



# Voting Information News

February 2006 or Vol. 16, No. 2

*A roundup of voting news from the Federal Voting Assistance Program (FVAP) for voters, potential voters and those who assist voters.*

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## Voting Assistance Officers

### "To Do" This Month:

☑ Share your best practices by sending them up the chain or directly to FVAP. You can help others improve their voting assistance program by learning from your successes. Look at your unit voting assistance program, processes and procedures. You will find that there are some things you are doing very well with excellent results that others could use to improve awareness and participation in the absentee voting process.

☑ Be sure your installation or Embassy/Consulate operator has your name and telephone number for referrals.

☑ Inventory and replenish your stock of voting materials that were consumed in last year's elections. Posters, forms, including the Federal Postcard Application (FPCA, SF-76), the Federal Write-in Absentee Voting Ballot (FWAB, SF-186), and the 2006-07 Voting Assistance Guide are available through your normal supply distribution channels.

## Voting Residency Guidelines for *UOCAVA* Citizens

*During the course of an election year, the Federal Voting Assistance Program (FVAP) receives numerous queries from citizens voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) regarding their state of residence for voting purposes. While the issue of voting residency can be complex, the following are general guidelines for helping members of the Uniformed Services, the merchant marine and their family members and all overseas civilian citizens to determine their state of legal residence for voting purposes.*

### Uniformed Services & Family Members

**Foremost, you should keep in mind that Uniformed Service personnel and their family members may not arbitrarily choose which state to declare as their legal voting residence without meeting the state's residency requirements. The following are basic guidelines to follow in determining residency for military personnel and their family members:**

- One must have or have had physical presence in the state and simultaneously the intent to remain or make the state his/her home or domicile.
- One may only have a single legal residence at a time, but may change residency each time he or she is transferred to a new location. One must make a conscious decision to change residency; it cannot be done accidentally. There must be certain specific actions which may be interpreted as conscious decisions, e.g., registering to vote, registering a car, qualifying for in-state tuition, obtaining a driver's license, etc.
- Once residence is changed, a person may not revert to the previous residence without re-establishing physical presence and the intent to remain or return.

**"Home of Record"** should not be confused with legal residence. "Home of Record" is the address a military member had upon entry into the Service. It does not change. "Home of Record" and legal

residence may be the same address, and usually are, when a person enters military service. It can remain as the military member's legal residence even though the person or his/her relatives no longer live at that location, as long as the military member does not establish a legal residence elsewhere after entering on active duty. If a military member changes legal residence after entering on active duty, he/she may not revert to claiming the "Home of Record" as legal residence without re-establishing physical presence and intent to remain in or return to that state.

Voting age family members of active duty military personnel may each have a different legal residence. **A spouse does not automatically assume the legal residence of the active duty member upon marriage.**

Each individual must meet the physical presence and intent to remain or return criteria. Minors typically assume the legal residence of either parent when they become 18. They also have the option of establishing their own legal residence which can be different from either parent, assuming they have met the guidelines of physical presence and intent to remain or return.

These are general guidelines for determining your legal residency for voting purposes. Consult your legal or JAG officer for specifics.

*Continued on Page 3*

**Share your best practices!** Send your best practice(s), novel ideas and lessons learned to your Department of State or Service Voting Action Officer.  
(contact information on page 3)

## "To Do" This Month

(continued):

☑ Make sure you are on the distribution list for *FVAP News Releases* and this newsletter, which is available by email, regular mail, or both and, on the FVAP Website. Because of their time-sensitive nature, *FVAP News Releases* are only distributed by e-mail and on the FVAP Website. To be added or to change your information on the distribution list send email to: [vote@fvap.ncr.gov](mailto:vote@fvap.ncr.gov)

☑ We encourage you to make this VIN available to all the people that you are assisting. If you receive the VIN by email we recommend that it be forwarded to all members of your command or organization. Email will save paper and time in providing important voting information.

**NOTE:** The appearance of external hyperlinks does not constitute endorsement by the United States Federal Government, United States Department of Defense or the Federal Voting Assistance Program of the linked web sites, or the information, products or services contained therein. The Federal Voting Assistance Program does not exercise any editorial control over the information you may find at these locations.

## Change of Address – YOUR Responsibility!

It is the citizens' responsibility to notify their local election official of changes in their mailing address (where the citizen needs their ballot mailed). Many local election officials report that absentee voting materials mailed to citizens are returned to them marked "Address Unknown." This problem may be caused by changes in duty stations or overseas residence addresses.

**Use a Federal Post Card Application (FPCA), SF 76.** FVAP highly recommends that the FPCA be completed in its entirety and submitted every year. In addition to informing the local election official of the citizen's current mailing address, submitting the FPCA will register or confirm the citizen's registration, and acts as a request for absentee ballots for any elections to be held that year.

When completing the revised (Rev. 10-2005) FPCA enter the following additional information to notify the local election official of your address change. In Item 4 (Where To Send My Voting Materials) enter "NEW ADDRESS" in the top of this box. In Item 6 (Additional Information) write your previous address and enter "OLD ADDRESS". As a result, the FPCA will serve as a simultaneous absentee ballot request and a change of address form for voting purposes.

**Remember, the FPCA must be properly completed and legible in order for it to**

**be processed by the local election official.** Completion instructions for each state can be found in Chapter 3 of the *2006-07 Voting Assistance Guide* (also on the FVAP website at [www.fvap.gov](http://www.fvap.gov).)

A second option to indicate a change in address is writing a letter to your local election official with your name, date of birth, and both new and old addresses. The new address is where you would like to receive your ballot.

Note: The FPCA does not require postage if mailed within the U.S. mails.

When using any of the options provided, it is important to include a voter registration number or Social Security Number and any further information that can help the local election official properly identify you.

Submit an address change early enough so that you have enough time to receive, vote your ballot, and return it to the local election official to meet state deadlines. Addresses for local election officials can also be found in Chapter 3 of the *Guide* (at [www.fvap.gov](http://www.fvap.gov)) at the end of the instruction section for each state.

If you return to your state of legal voting residence, or separate from military service, be sure to notify your Local Election Official that you plan on voting at the polls in the next election.☑

## FVAP Releases 17<sup>th</sup> Report

UOCAVA prescribes that the Presidential designee (The Secretary of Defense) "transmit to the President and the Congress a report on the effectiveness of assistance under this Act, including a statistical analysis of voter participation and a description of State-Federal cooperation." The Secretary of Defense has provided the formal report to the President and the Congress for 2004. The Executive Summary of the report is available at [www.fvap.gov/services/17threport.html](http://www.fvap.gov/services/17threport.html). The 2004 report contained information collected from FVAP's Post-Election Survey. This survey entailed

- 15,000 military personnel worldwide
- 5,000 overseas citizens not affiliated with the Government
- 3,000 Federally employed citizens overseas
- 5,000 unit Voting Assistance Officers
- 1,013 local election officials.
- All Department of State Voting Assistance Officers

The FVAP views the Post-election Survey as our most important formal feedback mechanism to improve upon the Program goals and objectives and better serve our customers.

Please share this copy of *Voting Information News* with others.

# Voting Residency Guidelines for *UOCAVA* Citizens (continued)

## Overseas Civilian Citizens

The following general guidelines are for **citizens residing outside the United States, who are not active duty military or their family members**, in determining their state of legal residence for voting purposes.

- ✓ "Legal state of residence" for voting purposes is the state where you last resided immediately prior to your departure from the United States. This right extends to overseas citizens even though they may no longer own property or have other ties to their last state of residence and their intent to return to that state may be uncertain.
- ✓ Eligibility to vote and residency requirement is determined by the state. Your right to vote in your state and determination of voting precinct depend on your physical residence while you were in the state.
- ✓ Only 17 states, to date, provide exemption to the physical presence law for UOCAVA citizens overseas. These states allow eligible U.S. citizens who have never resided in the U.S. to register and vote where a parent would be eligible to vote. See the *2006-07 Voting Assistance Guide* ([www.fvap.gov](http://www.fvap.gov)) for specific information.
- ✓ The *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* of 1986 provides that exercising the right to vote in elections for **Federal offices** under the *Act* should not affect for purposes of any Federal, state or local tax, the residence or domicile of a person exercising such right.

- ✓ Voting for **Federal offices only** may not be used as the sole basis to determine residency for the purposes of imposing state and local taxes. If you claim a particular state as your residence and have other ties with that state in addition to voting, then you may be liable for state and local taxation, depending upon that particular state law. Consult your legal counsel or tax adviser with specific questions.

Voting Assistance Officers at Embassies and Consulates will assist overseas U.S. citizens in obtaining and completing Federal Post Card Application (FPCA) requests for registration and absentee ballot; witnessing or notarizing FPCA forms (if required); and, providing other absentee voting information as needed. Embassy/Consulate locations serve also as postage-free mailing points for FPCA forms and other election materials to be mailed back to your local voting jurisdiction in the U.S. where absentee registration and ballot requests are actually processed. Organizations of American citizens overseas such as Democrats Abroad, Republicans Abroad, etc. and overseas corporations have the voting materials necessary to assist citizens in requesting registration and ballot.

If you have further questions that cannot be answered locally, please contact the FVAP directly (see pg. 4)



## Voting Action Officers

### Department of State: Office of Overseas Citizens Services

Chief VAO: Mr. Jack Markey, **tel:** (202) 736-4937, **fax:** (202) 647-6201, **Email:** [votinginfo@state.gov](mailto:votinginfo@state.gov)  
 Deputy VAO: Ms. Linda Hoover, **tel:** (202) 647-5435, **fax:** (202) 647-6201, **Email:** [votinginfo@state.gov](mailto:votinginfo@state.gov)

### Service Voting Action Officers

**U.S. Dept. of the Army:** Mr. James Davis **tel:** (703) 325-4530 **DSN:** 221-4530; **fax:** (703) 325-4532  
**DSN fax:** 221-4532, **Email:** [davisj@hoffman.army.mil](mailto:davisj@hoffman.army.mil),  
<https://www.hrc.army.mil/site/Active/TAGD/pssd/psb/votingindex.htm>

**U.S. Dept. of the Navy:** LT Dave Truman **tel:** 1-866-U-ASK-NPC (827-5672) (select option 6 from menu),  
**fax:** (901) 874-6825, **DSN fax:** 882-6825,  
**Email:** [vote@navy.mil](mailto:vote@navy.mil), <http://www.mwr.navy.mil/nvap/index.html>

**U.S. Dept. of the Air Force:** Mr. John Lowrance **tel:** (210) 565-5000, **toll free:** 1-800 616-3775 (Select options 1, then 1, then 2 from menu), **DSN** 665-5000; **fax:** (210) 565-2543, **DSN fax:** 665-2543;  
**Email:** [afpc/dpsfvotingpgmdlist@randolph.af.mil](mailto:afpc/dpsfvotingpgmdlist@randolph.af.mil); <http://www.afpc.randolph.af.mil/votefund/>

**U.S. Marine Corps:** Mr. David E. James **tel:** (703) 784-9511, **DSN:** 278-9511; **fax:** (703) 784-9823,  
**DSN fax:** 278-9823; **Email:** [david.e.james@usmc.mil](mailto:david.e.james@usmc.mil)  
[https://www.manpower.usmc.mil/pls/portal/url/page/m\\_ra\\_home/MR/Personnel/Voting](https://www.manpower.usmc.mil/pls/portal/url/page/m_ra_home/MR/Personnel/Voting)

**U.S. Coast Guard:** LTJG Dan Owen **tel:** (202)-267-1709, **fax:** (202) 267-4823;  
**Email:** [dowen@comdt.uscg.mil](mailto:dowen@comdt.uscg.mil),  
[http://www.uscg.mil/hq/g-w/g-wp/g-wpm/g-wpm-1/VotingAssistance/Voting\\_Assistance.htm](http://www.uscg.mil/hq/g-w/g-wp/g-wpm/g-wpm-1/VotingAssistance/Voting_Assistance.htm)

## Federal Voting Assistance Program

Department of Defense  
1155 Defense Pentagon  
Washington, DC  
20301-1155

PHONE:  
(703) 588-1584  
DSN 425-1584

FAX  
(703) 696-1352  
DSN 426-1352

VOTING INFORMATION  
CENTER (VIC):  
(703) 588-1343  
DSN 425-1343

TOLL FREE (VIC and FVAP  
staff member):  
1-800-438-VOTE (8683)

Visit our website for  
international toll-free phone  
and fax numbers.

EMAIL:  
[vote@fvap.ncr.gov](mailto:vote@fvap.ncr.gov)

Comments or suggestions on  
this newsletter are welcome.

Website:  
[www.fvap.gov](http://www.fvap.gov)

# Vote!

## Special Congressional Primary Election in California on April 11

On Tuesday, April 11, 2006, there will be a special primary election in the California 50th Congressional District to fill the seat of Congressman Randy Cunningham. All members of the U.S. Uniformed Services, their family members and citizens residing outside the U.S. who are California residents from the 50th District should request a ballot for this special primary election by completing and submitting a Federal Post Card Application (FPCA), SF-76, as soon as possible, if you have not done so already in calendar year 2006.

To determine whether you are in the above Congressional District, you can click on Communicating With Your Elected Officials, then "Who is my Representative?" at the Federal Voting Assistance Program (FVAP) website, [www.fvap.gov](http://www.fvap.gov). The Registrar of Voters must receive applications for registration and request for absentee ballot not later than Monday, March 29, 2006. If you are already registered, the Registrar of Voters must receive your absentee ballot request not later than Tuesday, April 4, 2006.

The online version of the FPCA is available from the FVAP website at [www.fvap.gov/pubs/onlinefpcapca.html](http://www.fvap.gov/pubs/onlinefpcapca.html).

Chapter 3 of the *2006-07 Voting Assistance*

*Guide* contains further instructions. The California state pages are available at: <http://www.fvap.gov/pubs/vag/pdfvag/ca.pdf>

The Registrar of Voters must receive voted ballots by close of polls on Election Day. You may submit the completed FPCA by fax using the following toll-free fax numbers for the U.S. and Canada: 1-800-368-8683, (703) 693-5527 or DSN 223-5527 (military). Also, at [www.fvap.gov/services/faxing.html](http://www.fvap.gov/services/faxing.html), there is a list of toll-free fax numbers from overseas countries for use by U.S. citizens. Citizens may receive the blank ballot via fax and return the voted ballot by fax. Citizens who desire to receive their absentee ballot by fax should provide their county election official with their complete commercial fax number, including country codes necessary when dialing from the U.S.

A citizen returning the voted ballot by fax which was either received by mail or by fax should refer to Appendix C of the *2006-07 Voting Assistance Guide* (located at [www.fvap.gov/services/faxing.html](http://www.fvap.gov/services/faxing.html) for instructions and a cover sheet for use when transmitting the voted ballot by fax. Citizens should be sure to fax the entire ballot including any oath or signature required on the ballot-mailing envelope. After faxing, the ballot should also be returned by mail.

**Moving?** Send an FPCA to notify your local election official. Also, send us an email so that you and your replacement can continue receiving this *newsletter*.

**Federal Voting Assistance Program**  
Department of Defense  
1155 Defense Pentagon  
Washington, DC 20301-1155



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